

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

REIDI J. JACKSON, #1164177

V.

JAMES MITCHELL, ET AL.

§

§

§ CIVIL ACTION NO. G-03-373

§

§

ORDER OF DISMISSAL

Before the Court for its Order of Acceptance is a Report and Recommendation of the United States Magistrate Judge, entered on August 10, 2005, which recommends that the instant case be dismissed with prejudice. Plaintiff has filed objections to the Report and Recommendation, stating that Defendants treated his mental disability with deliberate indifference. This Court has reviewed Plaintiff's objections and finds them to be without merit. Plaintiff's assertions, even if true, fail to state a claim cognizable under Section 1983.

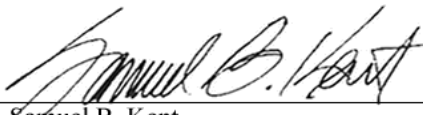
After *de novo* review pursuant to 28 U.S.C. §636 (b)(1)(C), this Court is of the opinion that the Report and Recommendation of the Magistrate Judge should be, and it is hereby, **ACCEPTED** in its entirety and incorporated by reference herein. It is the **ORDER** of this Court that Defendant's Motion for Summary Judgment is **GRANTED** and this cause is **DISMISSED** with prejudice for failure to state a claim for which relief can be granted and as frivolous.

This Order does not release Plaintiff or the Texas Department of Criminal Justice - Institutional Division from the obligation to pay the filing fee previously imposed. Plaintiff is advised that if he appeals this dismissal, he will be required to pay the appeal fee of \$255.00 pursuant to the Prison

Litigation Reform Act, and he must submit a 6-month certificate of his inmate trust account when he files his notice of appeal.

A certified copy of this Order shall be mailed to: **TDCJ-Office of the General Counsel**, P.O. Box 13084, Austin, Texas, 78711; and, to **TDCJ Local Funds Division**, P.O. Box 629, Huntsville, TX 77342-0629.

DONE at Galveston, Texas, this the 14th day of September 2005.



Samuel B. Kent
United States District Judge